

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,422

IN THE MATTER OF:

Served June 23, 2008

NIGUSSIE G. MOGUS, Trading as)
BATMN, Suspension and Investigation)
of Revocation of Certificate)
No. 596)

Case No. MP-2008-083

This matter is before the Commission on respondent's response to Order No. 11,289, served April 21, 2008, noting the automatic suspension of Certificate No. 596 pursuant to Regulation No. 58-12.

Under the Compact, a WMATC carrier may not engage in transportation subject to the Compact if the carrier's certificate of authority is not "in force."¹ A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.²

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 596 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 596 was rendered invalid on April 21, 2008, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 11,289, noted the automatic suspension of Certificate No. 596 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 596, and gave respondent thirty days to replace the expired endorsement and pay the \$50 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 596.

Respondent thereafter paid the late fee and submitted a new \$1.5 million primary WMATC Insurance Endorsement, but the new endorsement is effective May 19, 2008, instead of April 21, 2008. This means that respondent was without insurance coverage for twenty-eight days, from and including April 21, 2008, through May 18, 2008.

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

Under Regulation No. 58-14:

If a carrier's operating authority is suspended under Regulation No. 58-12 and the effective date of a later-filed replacement Endorsement falls after the automatic suspension date, the carrier must verify timely cessation of operations in accordance with Commission Rule No. 28 and corroborate the verification with client statements and/or copies of pertinent business records, as directed by Commission order.

Respondent has filed a statement verifying cessation of operations as of March 28, 2008. The statement is corroborated in pertinent part by Medical Transportation Management, Inc, respondent's only client.

Based on the evidence, the suspension shall be lifted and this proceeding terminated.³

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

³ See *In re E. Transp. Serv. LLC*, No. MP-07-281, Order No. 11,215 (Mar. 12, 2008) (lifting suspension in insurance gap case where verification corroborated by sole client - MTM).